

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

DIANE MURPHY,

Plaintiff,  
v.  
Case No. 1:05-cv-443-W

ADVANCE AMERICA CASH  
ADVANCE CENTERS OF ALABAMA,

JURY DEMANDED

Defendant.

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**ORDER DISMISSING CASE WITH PREJUDICE**

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On motion of Defendant for dismissal with prejudice for want of prosecution, the Court being fully advised of the premises, the Court finds:

1. This Court directed the parties to finalize settlement pursuant to the parties' agreement and to submit to the Court the necessary papers to dismiss this case by November 30, 2006.
2. Prior to the scheduled date on November 30, 2006, Plaintiff's counsel requested a ten day extension of the filing date stating the case had been settled but that counsel was having difficulty getting his client to execute the documents.
3. The motion for extension was granted providing Plaintiff ten additional days to comply with the Court's order.
4. Prior to the expiration of the extended date to file, Plaintiff failed to move for any further extension or to show good cause why such extension should be granted pursuant to Federal Rule of Civil Procedure 6(b).
5. The fault lies with Plaintiff personally and was not caused by the lack of diligence



of counsel.

6. Defendant is prejudiced by Plaintiff's failure in that it would incur additional attorneys' fees for re-preparation of defense of a case Defendant believed was settled and, in which pretrial preparation had been in part already previously completed. The dilatory conduct of Plaintiff would also result in an attenuated trial date making it more difficult for Defendant to produce both evidence and witnesses if this case were not dismissed.

Therefore, this case is dismissed with prejudice with the Plaintiff to pay all discretionary costs pursuant to 28 U.S.C. § 1920.

Entered this \_\_\_\_ day of 200 \_\_\_\_.

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Susan Russ Walker  
U.S. Magistrate Judge